

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and
FACEBOOK, INC.,

Defendants.

x
:
:
**NOTICE OF MOTION AND
MOTION TO SUBSTITUTE
REDACTED DOCUMENT**
:
:

Civil Action No. 1:10-cv-00569-
RJA
:
:

x

PLEASE TAKE NOTICE that Defendants Mark Elliot Zuckerberg and Facebook, Inc. submit this Motion to Substitute a Redacted Document for Defendants' Notice of Cross-Motion (Doc. No. 95). Out of an abundance of caution not necessarily required by the Joint Stipulated Protective Order (the "Protective Order") (Doc. No. 86), Defendants intended to file a Notice of Cross-Motion that redacted four words which may reflect information that Plaintiff has designated as confidential under the Protective Order. Declaration of Alexander H. Southwell ("Southwell Declaration"), ¶ 5. Instead, counsel inadvertently filed an unredacted Notice of Cross-Motion on the CM/ECF system. *Id.*, ¶ 2. After discovering this error, counsel called the ECF Help Desk and the Clerk's Office, and secured a full temporary lock on the inadvertently filed document, in order to ensure that the document is not publicly accessible. *Id.*, ¶¶ 3-4.

Plaintiff's blanket confidentiality designations are abusive and improper, and Defendants have moved to overrule them. However, out of an abundance of caution, Defendants have endeavored to redact any text that might reflect information designated as confidential by Plaintiff. Accordingly, Defendants respectfully request that the Clerk's Office substitute the redacted Notice of Cross-Motion (attached as Exhibit A to the accompanying Southwell

Declaration) for the inadvertently filed unredacted Notice of Cross-Motion (Doc. No. 95) on the CM/ECF system.

Dated: New York, New York
 August 5, 2011

Respectfully submitted,

Thomas H. Dupree, Jr.
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 955-8500

/s/ Alexander H. Southwell
Orin Snyder
Alexander H. Southwell
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue, 47th Floor
New York, NY 10166-0193
(212) 351-4000

Terrance P. Flynn
HARRIS BEACH PLLC
726 Exchange Street
Suite 1000
Buffalo, NY 14210
(716) 200-5120

Attorneys for Defendants Mark Zuckerberg and Facebook, Inc.